

SERVING RESPONDENT AFTER FILING INITIAL DISSOLUTION, LEGAL SEPARATION OR NULLITY

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COMMON QUESTIONS/ANSWERS

COMMON QUESTIONS WITH ANSWERS

1. **YOUR RESPONSIBILITY TO SERVE:** After filing your Dissolution and receiving a case number, you will be responsible for having the Respondent served with an Endorsed Filed copy (stamped by clerk) of each document you filed, except for the three fee waiver documents (if applicable).
2. **HOW LONG DO YOU HAVE TO SERVE?:** Pursuant to the California Rules of Court, you have 60 days from the date you filed the Petition to serve the Respondent. Delaying service will delay the date your dissolution is final.
3. **WHEN WILL MY DISSOLUTION BE FINAL?:** The Dissolution of Marriage is normally final 6 months plus 1 day from the DATE OF PERSONAL SERVICE. Any other manner of service varies and is explained in that section of this binder.
4. **WHO CAN SERVE THE RESPONDENT?:** Anyone who is over the age of 18 and not a party to the action. **YOU CANNOT SERVE THE RESPONDENT.**
5. **SERVICE BY SHERIFF:** If you want the sheriff to serve your papers contact the Yuba County Sheriff's Department Civil Division on the second floor of the courthouse.
6. **FEES WAIVED BY SHERIFF:** There is a fee for this service. If you used a fee waiver, providing the sheriff with a copy of the Fee Waiver Order will waive the fee for service.
7. **MUST PROVIDE SHERIFF WITH ADDRESS OF RESPONDENT:** You will be required to provide the Sheriff with a home or work address or location of the Respondent, so make sure you have that information with you.
8. **SERVICE BY SHERIFF IN ANOTHER STATE OR COUNTY:** If the Respondent resides in another county or state, you will have to make arrangements to have them served where they live. Call the appropriate Sheriff's Department in that area and ask what their requirements are for service of papers.
9. **RESPONDENT IN PRISON OR JAIL:** If the Respondent is in prison or jail, you will still need to have them personally served.

The Yuba County Sheriff's Department, Civil Division will serve inmates housed in the Yuba County Jail only. For any other facilities, you will have to call that facility.

Call the prison or jail and ask what the requirements are for personal service of divorce papers on an inmate. Normally, they will have a staff member personally serve the Respondent, but you will need to follow their instructions for service.

MANNERS OF SERVICE

MANNERS OF SERVICE

1. MANNERS OF SERVICE:

The manners of service are outlined in items 3 a-d on the Proof of Service (Summons) form. A sample is located at the end of this section. You must comply with proper service requirements to enter judgment in your Dissolution action.

If you have questions regarding service, you can ask the Facilitator or Clerk for assistance.

- a. **PERSONAL SERVICE:** By personally delivering copies to the person served.
- b. **SUBSTITUTE SERVICE:** By leaving copies at the dwelling house, usual place of abode or place of business in the presence of a competent member of the household or a person apparently in charge of the office or place of business, at least 18 years of age, who was informed of the general nature of the papers and thereafter mailing (by first class mail postage prepaid) copies to the person served at the place where the copies were left. Attach a separate declaration stating acts relied on to establish reasonable diligence in first attempting personal service.
- c. **MAIL & ACKNOWLEDGEMENT SERVICE:** By mailing (by first-class mail or airmail) copies to the person served, together with two copies of the form of Notice and Acknowledgement and a return envelope, postage prepaid, addressed to the sender.

A copy of the Notice & Acknowledgement signed and dated by the Respondent must be attached to the Proof of Service (Summons) when filed.

To prepare the Notice & Acknowledgement refer to that form located in this binder.

Please note that if Respondent refuses to sign and return the original Notice & Acknowledgment of Receipt this method of service is not acceptable.

- d. **SERVICE BY CERTIFIED MAIL:** By mailing to address OUTSIDE California (by registered or certified airmail with return receipt requested) copies to the person served. Attach signed return receipt or other evidence of actual delivery to the person served.

The Return Receipt (green card) must be signed (legibly) by the Respondent and attached to the Proof of Service when filed.

If someone other than the Respondent signed the Return Receipt, this method of service is not acceptable.

SAMPLE DOCUMENT

INSERT SAMPLE OF PROOF OF SERVICE (SUMMONS) – 2 PAGES

DETERMINING THE MANNER OF SERVICE

DETERMINING THE MANNER OF SERVICE

You must determine the manner of service that fits your particular situation. Once you have determined the method of service that applies to your case, read that section carefully. You are required to file the Proof of Service of Summons within 10 days after you have the Respondent served.

PUTTING THE DOCUMENTS TO BE SERVED TOGETHER

PUTTING THE DOCUMENTS TO BE SERVED TOGETHER

1. You have filed your documents with the court and have two copies of each.

You have the extra blank documents to be served.

You have determined the manner of service and selected the person who will be serving the documents for you.

Now you need to put your documents to be served together.

DO NOT SERVE the fee waiver Application, Order or Notice on the Respondent.

2. Place a copy of the following documents filed by the clerk, or blank, as indicated, in a stack for service.

FORM #	TITLE	COMPLETED/FILED	BLANK FORM
FL-100	PETITION	YES	NO
FL-110	SUMMONS	YES	NO
FL-120	RESPONSE	NO	YES
FL-105	DECLARATION UNDER UCCJEA	YES (IF CHILDREN)	YES
FL-140	DECLARATION OF DISCLOSURE	YES	YES
FL-142	SCHEDULE OF ASSETS AND DEBTS	YES (IF FILED)	YES
FL-150	INCOME AND EXPENSE	YES (IF FILED)	YES
FL-155	FINANCIAL STMT SIMPLIFIED	YES (IF FILED)	YES
FL-160	PROPERTY DECLARATION	YES (IF FILED)	YES
FL-300	ORDER TO SHOW CAUSE	YES (IF FILED)	NO
FL-320	RESPONSIVE DECLARATION	NO	YES

3. The person serving the documents for you should check the documents against the marked documents in item #1 and #1d on the Proof of Service of Summons to be certain all documents that are served are marked.

PERSONAL SERVICE

PERSONAL SERVICE

1. Personal service is the most commonly used manner of service.
2. **WHO CAN SERVE:** Anyone who is not a party to the action and over the age of 18 can personally deliver the documents to Respondent.

NOTE: If the Yuba County Sheriff serves your documents for you, they will provide a proof of service. You will not need to complete this form.

3. **COMPLETE PROOF OF SERVICE OF SUMMONS:** The top portion of the form is already completed to include the case number.

The person serving may print the remainder of the form neatly in ink. The form must be complete and legible.

- a. **Item #1 box a** should be marked indicating that Family Law (Petition) and Summons were served.
 - b. **Item #2**, must contain the complete address, city, state, zip of WHERE Respondent was served.
 - c. **Item #3 box a** – must be marked with the DATE and TIME Respondent was served completed.
 - d. **Item #4 box a** – should be marked.
 - e. **Item #5** – must be completed to reflect the name, address and telephone number of the PERSON WHO SERVED the Respondent.
 - f. **Item #5** – normally box b is marked (if a friend served the papers).
 - g. **Item #6** – normally marked (if not served by law enforcement)
 - h. **Date, printed name** of person serving and **signature** of person serving.
4. **FILING THE PROOF OF SERVICE OF SUMMONS:** Once the form is properly completed, make two copies. Take the original and the two copies to the Clerk's office for filing. The Clerk will file and keep the original and endorse file and return the two copies to you.

5. **WHAT HAPPENS NEXT? NO RESPONSE FILED - DEFAULT DISSOLUTION:**

Respondent has 30 days from the date served to file a Response to your Petition. If the 30th day falls on a weekend or holiday the Respondent has until 4:30 pm on the next day the court is open for business to file a Response.

On the 31st day or after, if Respondent has not filed a Response, then use the binder titled “Completing Default Dissolution” for instructions on completing your dissolution.

6. **WHAT HAPPENS NEXT?: RESPONSE FILED - CONTESTED DISSOLUTION:** If the Respondent files a Response, see the binder titled “Completing Contested Dissolution” for instructions on proceeding.

SAMPLE DOCUMENT

INSERT 2 PAGE PROOF OF SERVICE OF SUMMONS HERE

SUBSTITUTE SERVICE

SUBSTITUTE SERVICE

Substitute service is more complicated and is not recommended unless you have exhausted other manners of service and know exactly what to do. For this reason this manual does not provide instructions for service in this manner.

If you want to use this method of service, please seek assistance from an attorney or hire a registered process server to make certain that the service is properly completed.

You can use the local telephone book to locate attorneys and process servers in this area who may be able to assist you.

DATE DISSOLUTION IS FINAL WITH SUBSTITUTE SERVICE: If you have a professional assist you in using this manner of service, the dissolution (jurisdiction date) would be the 10th day after the date of mailing not counting the day of mailing.

Count 10 days from the date of mailing, then count 6 months and one day from that date. This is normally the date the dissolution would be final.

DATE RESPONSE IS DUE FROM DATE OF SERVICE: The Response is due 40 days from the date of mailing. If the 40th day falls on a weekend or holiday, the Respondent has until 4:30 pm on the first day the court is open for business after the weekend or holiday to file a Response.

If the Respondent does not file a Response, see the binder titled “Completing Default Dissolution” for completing your dissolution.

RESPONSE FILED – CONTESTED DISSOLUTION: If the Respondent files a Response to the dissolution, see the binder titled “Completing a Contested Dissolution” to proceed with your dissolution.

NOTICE & ACKNOWLEDGEMENT OF RECEIPT

NOTICE & ACKNOWLEDGMENT OF RECEIPT

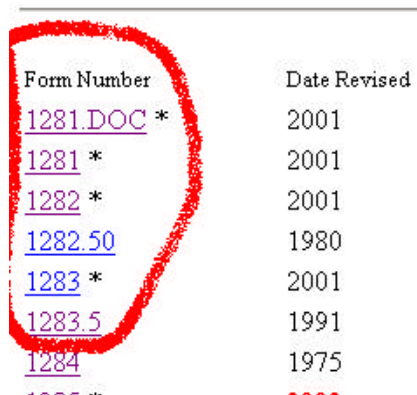
If you choose to serve by mail (Item #3c on the Proof of Service of Summons) and you are certain Respondent will sign and return the notice you may select this method of service. **YOU CANNOT SERVE THE RESPONDENT.**

Follow the instructions in the next section for accessing and preparing this form.

ACCESSING THE NOTICE & ACKNOWLEDGEMENT OF RECEIPT FORM 982(a)(4) IN THE COMPUTER

ACCESSING THE DOCUMENT IN THE COMPUTER

1. **DOUBLE CLICK** on the icon (picture) labeled PUBLIC ACCESS SERVICES by placing the cursor over the PUBLIC ACCESS SERVICES icon.
2. Select “**JUDICIAL COUNCIL FORMS**” on the screen.
 - a. Move cursor over “**JUDICIAL COUNCIL FORMS**” icon
 - b. Double click left button on mouse
3. Select form from left column (single click left button on mouse) on the form you are looking for, scroll down until you locate it.



Form Number	Date Revised
1281.DOC *	2001
1281 *	2001
1282 *	2001
1282.50	1980
1283 *	2001
1283.5	1991
1284	1975

Double click left button on mouse



To scroll down, hold down left button
on mouse and move the bar down

OR

Use wheel on mouse

4. Using the bar on the far right of your screen, as shown above, **SCROLL DOWN** until you see the form that you want to complete.
5. **DOUBLE CLICK** on the underlined number of the form you select.
6. The form will appear on the screen ready to be completed.
7. If you have problems calling up the forms, please ask the Clerk for assistance.

COMPLETING THE NOTICE & ACKNOWLEDGMENT OF RECEIPT

COMPLETING THE NOTICE & ACKNOWLEDGMENT OF RECEIPT Form 982(a)(4)

The areas in **red** correspond to the areas on this form that need to be completed.

1. Once the form appears on the screen you must type in the required information using TAB to move from one section to another. SHIFT TAB takes you back from one area to another. You may use all capital letters.
 - a. **ATTORNEY OR PARTY WITHOUT ATTORNEY** - type in the name, address and telephone number OF THE PERSON MAILING.
 - b. **ATTORNEY FOR** – type in Petitioner in Pro Per
 - c. **SUPERIOR COURT OF CALIFORNIA, COUNTY OF** – type in Yuba;
 1. **STREET ADDRESS** – type in 215 FIFTH STREET
 2. **MAILING ADDRESS** – type in 215 FIFTH STREET
 3. **CITY AND ZIP CODE** – type in MARYSVILLE CA 95901
 4. **BRANCH NAME** – leave blank
 - d. **PLAINTIFF** – type in your FULL name
DEFENDANT – type in spouse's FULL name
2. **CASE NUMBER** – type in case number as assigned by Clerk.
3. **TO:** type in Respondent (spouse's name).
4. **DATED:** type in date
5. **SIGNATURE OF SENDER:** the person who serves this document for you must sign here.
6. **Under Item #2** – mark - a copy of the summons & Petition (Marriage) and:

Finish listing documents served under **OTHER: (Specify):**

The following chart will assist you in making sure you have all your documents listed.

FORM #	TITLE	DOCUMENT COMPLETED & FILED	SERVE BLANK FORM ON RESPONDENT
FL-100	PETITION	YES	NO
FL-110	SUMMONS	YES	NO
FL-120	RESPONSE	NO	YES
FL-105	DECLARATION UNDER UCCJEA	YES (IF CHILDREN)	YES
FL-140	DECLARATION OF DISCLOSURE	YES	YES
FL-142	SCHEDULE OF ASSETS AND DEBTS	YES (IF FILED)	YES
FL-150	INCOME AND EXPENSE	YES (IF FILED)	YES
FL-155	FINANCIAL STMT SIMPLIFIED	YES (IF FILED)	YES
FL-160	PROPERTY DECLARATION	YES(IF FILED)	YES
FL-300	ORDER TO SHOW CAUSE	YES (IF FILED)	NO
FL-320	RESPONSIVE DECLARATION	NO	YES

Remember to list only those documents above that actually apply to your specific case. Don't forget to include the blank documents as indicated.

If you run out of room in that field on the computer, you may have to print the form, then using a typewriter fill in the remaining documents served.

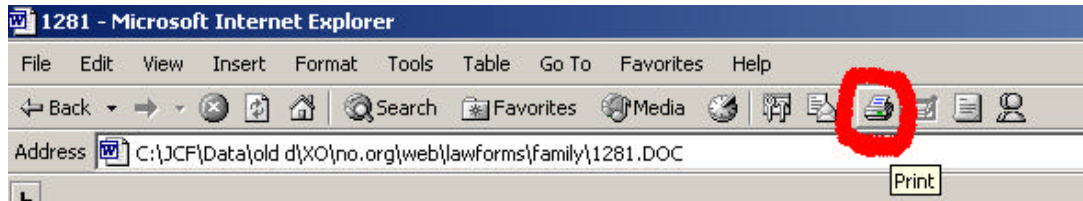
SAMPLE DOCUMENT

INSERT 1 PAGE NOTICE & ACKNOWLEDGEMENT OF RECEIPT HERE

PROOFREADING, PRINTING AND SAVING YOUR DOCUMENT

PROOFREADING, PRINTING & SAVING YOUR DOCUMENT

1. **PROOFREAD** your document and make necessary corrections.
2. **PRINT:** SELECT the PRINTER ICON on the tool bar (see below):



3. Pick up your document from the Clerk at the window and PROOFREAD again.
4. When you are satisfied that your document is correct – print a total of 3 times as the court requires the original and two copies.
5. **SAVE** your document:
 - a. Click on "**FILE**", in the upper left corner. Select "**SAVE AS**".
 - b. Make sure your disk (furnished by the Clerk) is inserted in the A drive.
 - c. At **FILE NAME** – NAME YOUR FILE.
 - d. Click on **DOWN ARROW** at top and select 3 ½ Floppy A:
 - e. Select "**SAVE**".

Please ask the Clerk for assistance if you have difficulty saving your document.

6. **SIGN YOUR DOCUMENT** – some documents do not require your signature. Review the document carefully sign and date if needed.

PREPARING THE DISSOLUTION
PACKAGE FOR
SERVICE WITH NOTICE AND
ACKNOWLEDGEMENT OF
RECEIPT

1. **PREPARING THE PACKAGE FOR SERVICE:** You must follow the instructions for mailing/serving as listed on the Proof of Service of Summons under item 3c.
 - a. Make certain you have all the documents from the chart in the previous section, to include the blank forms ready.
 - b. Place the ORIGINAL of this Notice & Acknowledgement of Receipt and two copies of the Notice & Acknowledgement with a self addressed stamped envelope with the documents to be served.
 - c. The Respondent must sign the ORIGINAL Notice & Acknowledgment and return it to you in the envelope provided.
 - d. Again, make certain that someone other than yourself signs as the sender on the Notice & Acknowledgement and places the envelope in the mailbox. Certified mail is not necessary.
 - e. After the person serving mails the documents, have them complete, sign and date the Proof of Service of Summons, reflecting all necessary information, including the manner of service in item 3c.
 - f. Hold the Proof of Service of Summons until you receive the original signed Notice & Acknowledgement back from the Respondent.

SAMPLE DOCUMENTS

INSERT SAMPLE PROOF OF SERVICE OF SUMMONS – COMPLETED TO
REFLECT SERVICE WITH NOTICE & ACKNOWLEDGEMENT (2 pages)

**FILING THE PROOF OF SERVICE
OF SUMMONS AND NOTICE &
ACKNOWLEDGEMENT OF
RECEIPT
(AFTER ORIGINAL IS RETURNED
BY RESPONDENT)**

FILING THE PROOF OF SERVICE OF SUMMONS AND NOTICE AND ACKNOWLEDGEMENT – AFTER RECEIVING ORIGINAL FROM RESPONDENT

1. When you receive the original Notice & Acknowledgment back, signed and dated by the Respondent, attach it to your copy of the Proof of Service of Summons and make two copies.

NOTE: You must have the original Notice & Acknowledgement with the Respondent's ORIGINAL signature/date.

2. Take the original and the copy to the Clerk's office. The Clerk will file the original and keep it, giving you back the copy for your records.

CALCULATING THE DATE THE
DISSOLUTION IS FINAL –
WITH NOTICE &
ACKNOWLEDGEMENT OF
RECEIPT

CALCULATING DATE DISSOLUTION IS FINAL- WITH NOTICE & ACKNOWLEDGEMENT OF RECEIPT

When using a Notice & Acknowledgement of Receipt, the dissolution is final 6 months and 1 day from the date the Respondent puts on the DATE THIS FORM IS SIGNED line at the bottom of the Notice & Acknowledgement.

CALCULATING WHEN THE RESPONSE IS DUE – WHEN USING NOTICE & ACKNOWLEDGEMENT OF RECEIPT

CALCULATING DATE RESPONSE IS DUE – WHEN USING NOTICE & ACKNOWLEDGEMENT OF RECEIPT

Respondent has 30 days from the DATE THIS FORM IS SIGNED to file a Response. If no Response is filed default judgment may be submitted on the 31st day.

If the 30th day falls on a weekend or holiday, the Respondent has until 4:30 p.m. on the first day the court is open for business thereafter.

SERVICE BY CERTIFIED MAIL

(RESPONDENT MUST LIVE OUT OF STATE)

SERVICE BY CERTIFIED MAIL – (RESPONDENT LIVES OUT OF STATE)

1. **REQUIREMENT:** The Respondent must reside out of state for this manner of service to be acceptable.
2. Using the chart below, make a stack of documents to be served by certified or registered mail.

FORM #	TITLE	DOCUMENT COMPLETED & FILED	SERVE BLANK FORM ON RESPONDENT
FL-100	PETITION	YES	NO
FL-110	SUMMONS	YES	NO
FL-120	RESPONSE	NO	YES
FL-105	DECLARATION UNDER UCCJEA	YES (IF CHILDREN)	YES
FL-140	DECLARATION OF DISCLOSURE	YES	YES
FL-142	SCHEDULE OF ASSETS AND DEBTS	YES (IF FILED)	YES
FL-150	INCOME AND EXPENSE	YES (IF FILED)	YES
FL-155	FINANCIAL STMT SIMPLIFIED	YES (IF FILED)	YES
FL-160	PROPERTY DECLARATION	YES(IF FILED)	YES
FL-300	ORDER TO SHOW CAUSE	YES (IF FILED)	NO
FL-320	RESPONSIVE DECLARATION	NO	YES

3. A person over the age of 18 and not a party to this action must actually mail the envelope (certified or registered mail) for you at the local post office and complete the Proof of Service of Summons.
4. **PERSON SERVING TAKES THE FOLLOWING STEPS:**
 - a. Obtain documents that need to be served on Respondent.
 - b. The top portion of the Proof of Service of Summons has already been typed/completed by the Petitioner to include the case number.

- c. Complete Item #1d on the Proof of Service of Summons and make sure you have all documents (completed and blank) that correspond with the boxes you marked.
 - d. Place the documents in an envelope addressed to Respondent (the address must be out of state).
 - e. Take the envelope to your local post office and mail by either certified or registered mail with return receipt requested. Return receipt is the green card that gets signed by Respondent and sent back to you.
5. **PERSON SERVING COMPLETES PROOF OF SERVICE OF SUMMONS:**
- a. After mailing, immediately complete the Proof of Service Summons marking **Item #3c(1)** and reflecting the **date and place (city)** where mailed.
 - b. Complete **Item #3c(4)** – indicating that the documents were mailed to an address OUTSIDE California.
 - c. Complete **Item #4 – box a** – indicating served as individual.
 - d. Complete **Item #5** – include your name, complete address & telephone number.
 - e. Complete **Item #5b** – if you are not a registered process server.
 - f. Complete **Item #6** – declaring under penalty of perjury that the foregoing is true and correct.
 - g. **Date, print name and sign**
6. The Petitioner will hold this document until receiving the green return receipt card back from person serving.
7. **RETURN RECEIPT RECEIVED:** When the person serving has received the green return receipt requested card back from Respondent, they must give that card to Petitioner.

Petitioner checks the receipt to make sure it is signed by Respondent and is dated.

8. **FILING PROOF OF SERVICE OF SUMMONS & RETURN RECEIPT:**

Person serving has completed the Proof of Service of Summons on the date of mailing.

Petitioner takes original Proof of Service of Summons and Return Receipt and makes one copy of each.

Staple original Return Receipt to original Proof of Service of Summons.

Staple copy of Proof of Service of Summons and copy of Return Receipt together.

Take original and copy to the clerk's office for filing.

Clerk will keep the original and endorse file the copy returning it for your records.

9. **DATE RESPONDENT'S RESPONSE IS DUE:** The Respondent has 40 days from the date of mailing to file a Response to the Petition.
10. **DATE DISSOLUTION IS FINAL:** Count 10 days from the date of mailing. Then add 6 months plus 1 day. This is the date the dissolution is final.
11. **NO RESPONSE – DEFAULT DISSOLUTION:** If no Response is filed by Respondent on the 41st day the Petitioner may enter default and proceed to default judgment using the binder titled "Completing Default Dissolution".
- If the 40th day falls on a weekend or holiday the Respondent has until the first day after the holiday or weekend, that the court is open for business before default can be entered.
12. **RESPONSE FILED – CONTESTED DISSOLUTION:** If the Respondent files a Response see the binder titled, "Completed Contested Dissolution" for instructions on proceeding.

SAMPLE DOCUMENT

INSERT POS SUMMONS W/RETURN RECEIPT (3 PAGES) HERE

SERVICE WHEN RESPONDENT CANNOT BE LOCATED

1. **SERVICE WHEN RESPONDENT CANNOT BE LOCATED:** If you are unable to locate the Respondent for service, you can apply to the court for service by publication in a newspaper of general circulation in the area of the last known address of Respondent.

You will need to submit an Application and Order for Service by Publication to the court for signature by the Judge. Once the Judge signs the order, you can contact the newspaper selected for instructions on publication.

Service by publication in the Appeal Democrat is \$200.00 and cannot be waived. Contact the newspaper in the area the Respondent last resided in for publication fees.

Unfortunately, there are currently no Judicial Counsel forms available for service by publication. You may ask the Facilitator for assistance with determining if this method of service is appropriate for your particular case and for assistance in preparing the forms.

If you decide to serve by publication, you must file the Affidavit of Publication with the court prior to proceeding with finalizing your dissolution. The newspaper will provide you with this Affidavit after they have completed service.

2. **WHEN IS DISSOLUTION FINAL WHEN SERVED BY PUBLICATION:**
To determine the date of jurisdiction you must add 28 days to the first date of publication, including the first day, or add six days to the last date of publication. These publishing dates are contained in the Affidavit that will be provided to you by the newspaper after publication is completed.

The dissolution is final 6 months, plus 1 day from the date of jurisdiction.

The Clerk can assist you in determining the date the dissolution is final.